IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MS JUSTICE G.ROHINI
WRIT PETITION NO : 17053 of 2004

Between:
Toddy Co.operative society, Chilkur, Nalgonda Dist.
Rep. By its President K.Kotaiah.

..... PETITIONER

AND

1 The Dist. Collector, Nalgonda, Nalgonda Dist.
2 The Prohibition & Excise, Superintendent, Nalgonda, Nalgonda Dist.
3 The Prohibition & Excise Circle Inspector, Kodad, Nalgonda Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in demanding and collecting tree tax for the trees located in the government land as illegal, arbitrary, without jurisdiction, null and void, and pass.

Counsel for the Petitioner: MR.BATHINI PAPA RAO GOUD

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER:

Petitioner-Society was granted licence for tapping toddy in pursuance of which, toddy and Shendi trees at Chilkur village in Nalgonda District have been allotted to the petitioner-society. It is claimed that some of the said trees are situated in Government lands and therefore, as per clause 14 of G.O.Ms.No.998 P&E, dated 01.10.2003, the petitioner is not liable to pay the tree tax for the trees located in the Government lands, since the same are exempted from the tax. It is stated that the petitioner made a representation before the respondents on 03.06.2004 seeking exemption. As the application filed by the petitioner is not considered by the respondents so far, this writ petition is filed seeking a declaration that the action of the respondents in demanding and collecting the tree tax for the trees located in Government lands, is arbitrary and illegal.

Since the representation made by the petitioner-Society is still pending before the first respondent, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the first respondent-District Collector, Nalgonda District to consider the representation made by the petitioner dated 3.6.2004 and to pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of two weeks from the date of receipt of this order.

Accordingly, writ petition is disposed of. No costs.

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22-09-2004

Note: Issue C.c. in two days.
B/o
Klp

To

1 The Dist. Collector, Nalgonda, Nalgonda Dist.
2 The Prohibition & Excise, Superintendent, Nalgonda, Nalgonda Dist.
3 The Prohibition & Excise Circle Inspector, Kodad, Nalgonda Dist.
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